UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, Plaintiff,) mm 430 P 258
1 Ianiin,)
v.	
) C.A. No. 04 11555 NMG
\$7,000 IN U.S. CURRENCY, and)
\$8,000 IN U.S. CURRENCY,)
Defendants.	,

ANSWER OF GARY SANDERS AND CHAD MILLER

NOW COME Gary Sanders and Chad Miller, the rightful owners of the seized property, by their counsel, and submit the following answer to the Verified Complaint:

- 1. The allegations set forth in this paragraph are admitted.
- 2. The allegations set forth in this paragraph are admitted.
- 3. The allegations set forth in this paragraph are denied.
- 4. The allegations set forth in this paragraph are denied.

WHEREFORE, the government's request for forfeiture should be denied, the seized property should be returned to the afore-named individuals along with their costs and attorneys' fees in this matter.

First Affirmative Defense: The government's complaint was not timely filed pursuant to 18 U.S.C. section 983(a)(3), and should be dismissed.

<u>Second Affirmative Defense</u>: The government comes to this Court with unclean hands, having seized the property of citizens who had committed no crime.

Third Affirmative Defense: The aforementioned individuals have not been convicted of, or even accused of, any criminal behavior associated with the seized property; the property was seized inappropriately based upon an unfair "profile".

Respectfully submitted,

Gary Sanders and Chad Miller, Claimants,

By their counsel,

John J. Bonistalli, BBO # 049120

LAW OFFICES OF JOHN J. BONISTALLI

One Financial Center Boston, MA 02111 (617) 695-3755

CERTIFICATE OF SERVICE

I, John J. Bonistalli, hereby certify that a copy of the foregoing was mailed, first class postage prepaid this 29th day of September 2004 to the following:

United States Attorney's Office Asset Forfeiture Unit 1 Courthouse Way Suite 9200 Boston, MA 02210

John J. Bonistalli, BBO# 049120